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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 RUSH RESIDENTIAL, INC.,

11 Plaintiff /  
12 Counter-Defendant,

13 v.

14 PHILADELPHIA INSURANCE  
15 COMPANIES,

16 Defendant /  
17 Counter-Claimant.

CASE NO. C21-5350JLR-DWC

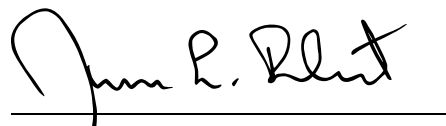
ORDER

18 On October 17, 2023, the court granted Defendant / Counter-claimant Philadelphia  
19 Indemnity Insurance Company's ("Philadelphia"<sup>1</sup>) motion for summary judgment and  
20 dismissed Plaintiff Rush Residential, Inc.'s ("RRI") claims against Philadelphia.  
(10/17/23 Order (Dkt. # 38).) In that order, the court ordered the parties to show cause,

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22 <sup>1</sup> Philadelphia was incorrectly named in this action as "Philadelphia Insurance  
Companies." (See Am. Ans. (Dkt. # 26) at 1.

1 by no later than October 27, 2023, why the court should not also grant summary  
2 judgment in Philadelphia's favor on its declaratory judgment counterclaim. (*Id.* at 17;  
3 *see* Am. Ans. at 8-10.) Philadelphia filed a timely response in which it asserted that the  
4 court should grant summary judgment in its favor on its declaratory judgment claim  
5 based on the same reasoning the court applied when granting summary judgment in  
6 Philadelphia's favor on RRI's claim. (Def. Resp. (Dkt. # 39).) RRI, however, did not  
7 respond to the order to show cause. (*See generally* Dkt.) Accordingly, the court  
8 GRANTS summary judgment in Philadelphia's favor on its declaratory judgment  
9 counterclaim based on the reasoning the court set forth in its order granting  
10 Philadelphia's motion for summary judgment on RRI's claims.

11 Dated this 30th day of October, 2023.

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14 JAMES L. ROBART  
15 United States District Judge  
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